

# Stop Trafficking!

## Awareness Advocacy Action

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FOCUS: This issue further explores the use of social media to groom, exploit, and traffic children and focuses on the role of legislation and social media platforms.

*It seems that at least once a week, there is an item in the news on children being exploited by someone on social media, another state using one of the social media platforms for not protecting child sex abuse on their platforms. Last summer, the Supreme Court ruled that social media platforms cannot be held liable when people use their platforms to post minors being abused. At the same time, the European Union struck media companies with data privacy regulations. In this issue, we will examine further the role of social media in child sexual exploitation.*

Apple's app store rates the apps for TikTok, Snapchat, Facebook, and Instagram as 12+, which is suitable for children aged 12 and up, which means that it is rare that the material on those platforms has suggestive themes, fantasy violence, drug use, profanity or sexual content and nudity.

This rating is hard to reconcile because in 2020, TikTok submitted 22,692 CyberTips while Snapchat submitted 144,095, and Facebook, which owns Instagram, submitted 20,307,216.

Click [here](#) to learn more.

## Role of Industry in Online Safety

Most people have little awareness of the real risks children face online. People are also unaware of what internet-based companies are doing, or not doing, to protect children online. Most of us are also unaware of the pervasiveness of child sexual abuse material online. Many parents assume social media platforms have built-in practices to keep children safe and their platforms free of illicit content.

### Age rating apps

App Store's age rating system is an example of the disparity between perception and reality. The name "age rating" seemingly reflects an assurance of safety for a particular childhood age. Many of these platforms are currently rated 12+, but host content that is not age-appropriate, including sexually explicit images and videos. The current rating system lacks adequate oversight. By allowing access to these apps without proper age restrictions and content reviews, we are contributing to the normalization of explicit content and placing children at risk.

As gatekeepers, tech companies must ensure that age ratings are accurate and genuinely reflect the content hosted within any app. This may require stricter guidelines and review processes for app developers and a more vigorous mechanism for reporting and removing apps that fail to police their content adequately. Only through transparency regarding online safety practices can parents and society at large understand the dangers of the digital world.

### Other Preventions

To deter queries seeking CSAM (child sexual abuse material) on Google's search engine, it launched an improved deterrence message for questions



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that appear to be seeking CSAM. However, data suggests a wildly divergent response by online providers to online child safety. In one year, Meta accounted for approximately 95% of all CyberTips sent in by industry, and three companies were the source for about 98% of CyberTips: Facebook, Google, and Snapchat.

A Canadian Centre for Child Protection (C3P) report reveals that some online providers took over six weeks to respond to requests to remove CSAM on their platforms. Moreover, they reported a massive problem with “image recidivism,” which occurs when imagery subject to a removal notice is later reposted on the same platform.

## Voluntary Principles

This disparity in industry response led the United States Departments of Justice and Homeland Security to join with their counterparts from Australia, Canada, New Zealand, and the United Kingdom, collectively the Five Eyes Countries, to develop and launch the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse in March 2020. Developed in consultation with representatives from Facebook, Google, Microsoft, Snap, Twitter, and Roblox, the 11 Voluntary Principles outline measures that companies in the technology industry can implement to protect children who use their platforms from sexual abuse online. The principles also should make their platforms more difficult for child sex offenders to exploit. The Voluntary Principles provide a common and consistent framework to guide the digital industry in its efforts to combat the proliferation of online child exploitation.



## The Technology Coalition

Formed in 2006, the Technology Coalition comprises 23 tech industry leaders represented by individuals specializing in online child safety. All six companies who contributed to the Voluntary Principles, Facebook, Google, Microsoft, Snap, Twitter, and Roblox, are members of the Technology Coalition. The Tech Coalition indicates that it is committed to technological innovation to abolish online child sexual exploitation. Members of the Tech Coalition published transparency reports in 2021, which set forth measures taken by each company to combat online child sexual exploitation.

Click [here](#) to learn more.

*In October 2023, attorneys general from 41 states and the District of Columbia filed lawsuits alleging Meta, owner of Facebook and Instagram, built addictive product features geared toward children despite knowing their negative impact on mental health. The filing calls out the platforms' recommendation algorithms, use of social comparison, and collecting of young users' data without consent.*

## Communications Decency Act

The Communications Decency Act (CDA) was passed by the United States Congress in 1996 and was the first attempt to regulate pornographic material on the Internet. It made it illegal to send or show minors obscene or indecent content online knowingly.

The Federal Communications Commission had already regulated indecency in TV and radio broadcasting: broadcasting of offensive speech was restricted to hours when minors were supposedly least likely to be exposed, and violators could be fined and lose their licenses. The CDA, which affected the Internet and cable television, marked the first attempt to expand regulation to the Internet, a relatively new media.

The following year, the United States Supreme Court unanimously struck the act's anti-indecency provisions, stating that the indecency provisions were an unconstitutional abridgment of the First Amendment because they did not permit parents to decide for themselves what material was acceptable for their children.

### Section 230

Section 230 of the U.S. Code to the CDA has been interpreted to mean that operators of internet platforms are not publishers and, therefore, not legally liable for the words or material of third parties who use their services. This makes online services immune from civil liability for the actions of their users. Section 230 of the Communications Decency Act reads:

"No provider or user of an interactive computer service shall be held liable on account of any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected."

Therefore, while the CDA requires a platform like Meta to report any child exploitation imagery detected on its platforms, as currently written, and interpreted by courts as of the end of 2023, Section 230 gives Meta and other online providers immunity from civil action and state and local criminal action for material on their platform created by a third party, except if related to sex trafficking and the intentional facilitation of prostitution. Those who want Section 230 amended say that the legal safe harbor it has provided for internet companies means they have no incentive to root out illegal content on their sites. Click [here](#) to learn more.

*When John Doe was thirteen, a sex trafficker posing as a sixteen-year-old girl had groomed John and his friend into sending sexually explicit photos and videos of themselves. A compilation of these videos was consequently posted to Twitter. There, it gathered 167,000 views and was retweeted more than 2,000 times. It was also passed around by people in John's school, eventually driving John to contemplate ending his life.*

*John and his mother contacted Twitter multiple times, begging the company to take the child sexual abuse material down and even sending photos of John's ID, proving he was a minor. The response from Twitter: "We've reviewed the content and didn't find a violation of our policies, so that no action will be taken at this time."*

*The National Center on Sexual Exploitation (NCOSE) Law Center and The Haba Law Firm represent John Doe and his friend in a lawsuit against Twitter. The case, John Doe #1 and John Doe #2 v. Twitter, argues that the company's conduct violated numerous laws, including knowingly benefiting from the sex trafficking of the plaintiffs, possessing child sexual abuse material, distributing child sexual abuse material, and other offenses.*

Click [here](#) to learn more.

## Technology Helps Offenders Evade Law Enforcement

Technology companies sometimes use various measures to shield themselves from law enforcement's reach.

One example is Proton Mail, previously written as ProtonMail, a Swiss end-to-end encrypted email service founded in 2013 and headquartered in Switzerland. All data stored on Proton Mail is encrypted, so neither hackers nor Proton Mail employees can read the contents of messages. It claims to be the world's largest encrypted email provider. Proton Mail stores all its data in Switzerland and has engineered its service so that it cannot scan the content of users' messages. As a result, images of child exploitation and messages concerning the grooming of children for sexual purposes or sextortion cannot be detected.

Companies such as Proton Mail advertise their services in a way that attracts individuals looking to commit crimes, including child sexual exploitation, undermining law enforcement and public safety efforts to protect children. Proton Mail was used by Alexander Nathan Barter when he planned his travel to rape, kill, and eat a 13-year-old girl. Barter was only apprehended because he communicated on Proton Mail with an undercover law enforcement officer.

Another threat to online child safety comes from technology providers who prevent a government's lawful access to information. By design they are beyond the legal request from any country. An example is Telegram, an encrypted cloud-based mobile and desktop messaging app that stores data in multiple jurisdictions around the globe. Law enforcement must obtain court orders from each of the jurisdictions to obtain useable information.

Click [here](#) to learn more.

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## Children's Online Privacy Protection COPPA

The Children's Online Privacy Protection Act (COPPA) was enacted in April 2000 out of concern for the online collection of personal information from children under 13. This law applies only if the website or service is based in the United States.

The requirement indirectly helps to prevent child sexual exploitation, such as grooming or solicitation of children, by placing barriers on predators who may attempt to gather personal information from children for sexual purposes.

The law specifies what is required in a privacy policy for a website operator, when and how to seek verifiable consent from a parent or guardian, and what responsibilities an operator must take to protect children's privacy and safety online, including restrictions on the marketing of those under 13.

Although children under 13 can legally give out personal information with their parent's permission, many websites, mainly social media sites, do not permit children under 13 to use their services due to the cost and work involved in complying with the law.

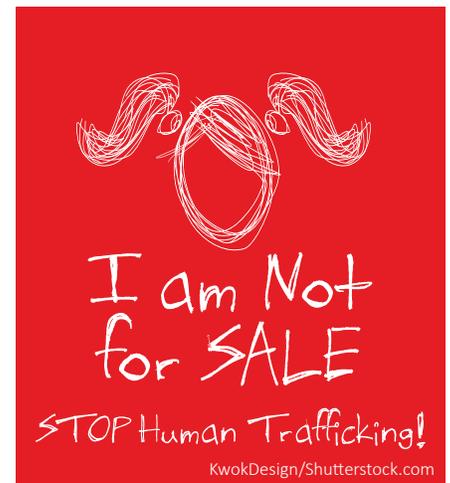
COPPA requires parental permission before a marketer can collect personal information from a child. This provision encourages parents to actively participate in their children's online lives. It also increases the chances of detecting and preventing potential instances of online child sexual exploitation and contact with strangers. However, it does burden parents to evaluate sometimes confusing, legalistic privacy policies. Moreover, nothing prevents children from lying about their age. Finally, COPPA applies only to children younger than 13 years old, leaving teenagers without privacy protections in an essentially unregulated, commercial, digital media environment.

The Federal Trade Commission (FTC) is responsible for enforcing COPPA.

Click [here](#) to learn more.

The increase in the production of child sexual abuse material online in the past ten years, along with an increase in platforms that provide ready access to children, has dramatically increased the number of victims globally.

Many of these victims have reached adulthood and face the reality that explicit images and videos of them as children continue to increase on the internet.



## Victim Participation at Trial

An increasing number of federal cases require victim interviews or testimony. While cases involving prosecution for the distribution, receipt, or possession of CSAM usually do not require the victim to participate in the investigation or trial, that is not the case for other types of child exploitation offenses, including the production of CSAM. These cases, comprising a more significant proportion of cases prosecuted by the Department of Justice, have their distinctive demands of child testimony.

Child victims should be interviewed by personnel trained in child interviewing techniques. When a child speaks another language, especially if the child is in a foreign country, it can be challenging to find a trained interviewer to conduct the interview or an interpreter to assist the forensic interviewer in the child's native language.

*In May 2023, the United States Supreme Court turned away an appeal from victims of child pornography who claimed Reddit Inc. knowingly facilitates and benefits from images of child sexual abuse.*

*The victims in the lawsuit argued that FOSTA enabled them to sue Reddit for providing a platform for images of their abuse. They said Reddit “has engineered a social media platform where child pornography proliferates.” The ruling affirmed Reddit could not be held liable for violating sex trafficking laws when people use its platform to post pictures of minors being abused. This case was one of many recent lawsuits against the largest social media platforms from victims of child pornography, claiming that the companies knowingly facilitate and benefit from images of child sexual abuse.*

*When notified by the lawyers and parents of the minor girls, it took several days for Reddit to take the images and videos, some taken without the knowledge of the girls, down, and they were then reposted on the platform.*

*Click [here](#) to learn more.*

## Sentencing Issues

Sentences in federal criminal cases are informed by the U.S. Sentencing Guidelines (U.S.S.G.) issued by the U.S. Sentencing Commission. The Sentencing Commission has repeatedly found that judges apply below-guideline sentences more often in sentencings for cases involving the distribution, receipt, and possession of child pornography than they do for any other type of federal offense.

In a 2021 report, the Sentencing Commission documented that courts increasingly enacted terms of incarceration below the guidelines.

Moreover, in a report released back in 2012, the U.S. Sentencing Commission made a similar conclusion, indicating that this trend has been the reality in federal sentencing of child sexual abuse material for over a decade. Sentencings below guidelines are at a higher rate than any other federal offense.

Click [here](#) to learn more.

## FOSTA - SESTA

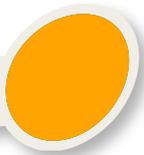
FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act) and SESTA (Stop Enabling Sex Traffickers Act) are legislation that became law in April 2018. These laws clarify the sex trafficking law in the United States to make it illegal to knowingly assist, facilitate, or support sex trafficking and amend the Section 230 safe harbors of the Communications Decency Act to allow lawsuits against social media platforms over sex trafficking victims.

Considering the passage of these laws, some online companies have implemented stricter content moderation and reporting mechanisms to prevent posting ads related to human trafficking and sexual exploitation or sale of children on their platforms.

These bills have been criticized as "internet censorship" that weakens Section 230 safe harbors of the Communications Decency Act and places burdens on internet companies.

*The passage of the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 created a new process for CSAM (child sexual abuse material) victims seeking restitution from defendants possessing, receiving, and distributing their sexual abuse imagery. Specifically, the Act established the Child Pornography Victims Reserve ("Reserve") to provide restitution to eligible individuals who are depicted in CSAM, which is the basis for certain convictions under the United States Code.*

*The Reserve will pay CSAM victims based on orders obtained in United States district courts. While the Reserve is not fully implemented, courts use the new law to levy monetary penalties against convicted defendants.*



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## Investigation and Prosecution Challenges

Under federal law, electronic service providers are required to send a CyberTipline report to the National Center for Missing & Exploited Children (NCMEC) whenever they become aware of an apparent instance of child sexual abuse material.

Service providers are not required to search for child exploitation online, but some voluntarily do so. Microsoft led the development of a tool that has been used for well over a decade to help find CSAM, as well as one to detect online grooming.

However, the extraordinary increase in CyberTip reports submitted each year since 2016 makes it impossible to investigate even a small percentage of reports filed. The explosion in CyberTips from tech platforms alone demonstrates the need for industry to create barriers to CSAM.

The quality of the information provided also poses challenges for investigators. At times, the CyberTip may include only the screen name or user ID and may prevent any action by law enforcement. Google took the initiative to develop a Special Victims Investigation Unit, which focuses on more egregious CyberTips to supplement reports with more information, leading to a faster response by law enforcement.

Since the online world operates without jurisdiction, perpetrators must be identified before an agency can determine whether they would have jurisdiction over the investigation. There is usually a jurisdictional ban on investigating offenses outside the law enforcement agency's area of responsibility, which limits investigations into offenders whose locations are unknown at the outset of the investigation.

Click [here](#) to learn more.



# Action

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## Tech Against Trafficking

Despite the increasing criminal uses of technology by traffickers, technology can also be used to identify victims and support police investigations and prosecutions. Technology companies can play a role in preventing and disrupting human trafficking. Technological solutions to date include:

- Mobile apps that help identify victims of sex trafficking.
- Satellite imagery that tracks down fishing vessels carrying victims of forced labor.
- Web scraping tools that aggregate child abuse images to help law enforcement track down children in need of help.

However, reducing people's privacy in favor of increasingly invasive tech tools in the name of anti-trafficking is worrying to some, including survivors of human trafficking.

It is essential to have strict frameworks around data access and use and to ensure that the right to privacy and human rights are respected.

The United Nations Office of Drug and Crime has participated in organizing "DataJams" with computing giant IBM and the Colombian non-governmental organization Pasos Libres, where students compete online to develop technology-based solutions to identify and protect victims of trafficking and support prosecutions.

Click [here](#) to learn more.

## THORN

Thorn is a non-profit that builds technology to defend children from online sexual abuse. Thorn's mission is to make technology to safeguard children from sexual abuse. Thorn addresses the problem from three focus areas: accelerate victim identification, equip platforms to stop the viral spread of child sexual abuse material, and empower the public with resources for youth and their caregivers to navigate digital safety conversations.

Some achievements:

- Spotlight is a web-based tool used by law enforcement in all 50 states and Canada to accelerate victim identification and streamline law enforcement workflows so they can respond to instances of child sex trafficking with speed. Spotlight has helped identify more than 17,000 child victims of human trafficking in the past four years and resulted in over 60% in time savings for law enforcement.
- Safer, an all-in-one solution for CSAM detection, uses advanced AI technology to detect, review, and report CSAM at scale. To date, Safer has found 2M pieces of potential CSAM.
- Thorn built a machine-learning model to detect if a conversation contains language patterns associated with grooming. They worked with the Tech Coalition to test and deploy the technology to disrupt online grooming and prevent harm to children in digital spaces.
- Thorn runs the country's most extensive online child sexual abuse deterrence program, communicating directly with people searching for CSAM, disrupting their sense of anonymity, and encouraging them to seek help. They are constantly testing messaging, identifying the best tactics to reach and persuade specific sub-groups of offenders to seek help, and capturing aggregate data to inform future research.

Click [here](#) to learn more.



*Hany Farid, a professor at the University of California, Berkeley, helped invent the PhotoDNA technology that Meta uses to identify harmful content. In 2009, Microsoft partnered with Dartmouth College to develop PhotoDNA, a technology that aids in finding and removing known images of child exploitation. Today, PhotoDNA is used by organizations around the world and has assisted in the detection, disruption, and reporting of millions of child exploitation images.*

*Farid believes Meta, valued at more than \$500bn, “could do more to combat child words and phrases on unencrypted parts of the platform – including coded language around grooming. This is, fundamentally, not a technological problem, but one of corporate priorities.”*

*Click [here](#) to learn more.*



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## The National Center for Missing and Exploited Children

The NCMEC's Child Victim Identification Program (CVIP) began in 2002 and, to date, more than 19,100 children have been identified. NCMEC maintains a database of child sexual abuse material information noting which children have been identified and which material depicts victims yet to be identified. During an investigation, law enforcement will send the images and videos seized in their investigation to law enforcement co-located at NCMEC. NCMEC will then cross-check the material from the investigation with its database.



### 24-Hour Call Center:

To report information about a missing or exploited child call our 24-Hour Call Center:

1-800-THE-LOST (1-800-843-5678)

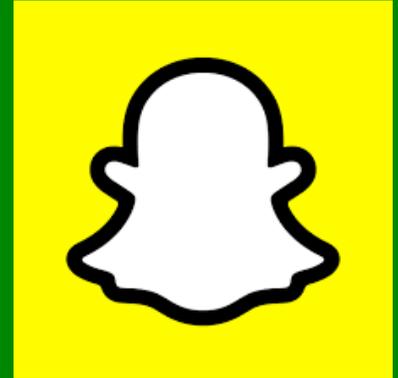
Report child sexual exploitation online at [CyberTipline.org](https://www.cybertipline.org).

## The EARN IT Act

The EARN IT Act is a strong bipartisan legislation to confront the explosion of online child sexual abuse material. The EARN IT Act has been reintroduced in the Senate by Richard Blumenthal (D-CT) and Lindsey Graham(R-SC), and in the House of Representatives by Ann Wagner (R-MO) and Sylvia Garcia (D-TX), after having been introduced in previous sessions and passed unanimously by the Senate Judiciary Committee twice.

This legislation can be a beginning for achieving justice for victims and can be a step forward in offering some level of addressing online exploitation and trafficking of children.

Please click [here](#) to take action and ask your legislators to support and cosponsor the EARN IT Act.



In 2023, Snapchat, an app used by ninety percent of children aged 13-24 throughout the world and consistently named as one of the most dangerous, made safety changes, including improving detection and moderation for sexually explicit and exploitative content. The app will also increase parent's visibility into their child's activity through the Family Center and create dedicated resources on sexual abuse and exploitation.



*Online and technology-facilitated trafficking in human beings* was released April 2022 by the Council of Europe. Please click [here](#) to access the report.



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